



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 6, 1992

Mr. Charles E. Griffith, III
Deputy General Counsel
Austin Housing Finance Corporation
708 Colorado, 3rd Floor
Austin, Texas 78701

OR92-461

Dear Mr. Griffith:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16668.

You sought an open records decision from this office pursuant to section 7(c) of the act. Consequently, this office notified representatives of Wayne H. Miller Investment Company (the company) that we received your request for an open records decision regarding the University Towers Apartments bond proposal. In our letter to the company, this office requested an explanation as to why portions of their proposal were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information. More than 14 days have elapsed since this office issued it notice, but the company has failed to provide this office with any explanation as to why the requested documents should not be released.

You, on the other hand, have raised sections 3(a)(1) and 3(a)(10) as exceptions to the required disclosure of this information. Both of these exceptions protect information that is made confidential by statute or judicial decision. However, you have cited no statute or judicial decision that would confer confidentiality on this information. See Open Records Decision No. 592 (1991) (copy enclosed). Because neither you nor the company has met the burden of demonstrating that the requested information should be

withheld, the city must release the information at this time. If you have any questions regarding this letter, please refer to OR92-461.

Yours very truly,



Kay Hamilton Guajardo
Assistant Attorney General
Opinion Committee

KHG/RWP/lmm

Ref.: ID# 16668

Enclosures: Submitted documents
Open Records Decision No. 592

cc: Ms. Kathy Mitchell
1403 Ulit
Austin, Texas 78702
(w/o enclosures)

Wayne H. Miller Investment Co.
c/o Mr. Barney Knight
Bickerstaff, Heath & Smiley, L.L.P.
San Jacinto Center, Suite 1800
98 San Jacinto Blvd.
Austin, Texas 78701-4039
(w/o enclosures)